

Dear Ms. Byron,

As discussed in your email exchange with Alex Thrower of my staff earlier this week, the Office of Logistics Management (OLM) of the Office of Civilian Radioactive Waste Management (OCRWM), U.S. Department of Energy, appreciates the opportunity to provide comment on the California Energy Commission's draft report entitled "Nuclear Power in California: 2007 Status Report." I am submitting my comments to you via email as you indicated time is of the essence. I appreciate the opportunity for OCRWM to offer comments on the report, and they are provided below. If you have any questions or would like any further information regarding this matter, please contact me on (202) 586-4167, or via email at gary.lanthrum@rw.doe.gov. Thank you.

**DOE/OCRWM COMMENTS ON DRAFT REPORT:
*NUCLEAR POWER IN CALIFORNIA: 2007 STATUS***

We disagree with the statements on pages 6 and 82 that historic spent nuclear fuel (SNF) transport experience "pales in comparison" to the volume forecast for the repository project. There will be many shipments to Yucca Mountain over the life of the project, but internationally almost as much fuel as the repository will hold has already been transported for storage and reprocessing—about 70,000 tonnes. There have been about 3,200 truck and rail shipments in the U.S. alone—about one-fourth of the total estimated for the repository. We suggest "pales" is a pejorative word and is not supported by the record.

On page 84, the draft report says that DOE selected rail as the primary means of transport to the repository (the "mostly rail" option). It then presents a map (Figure 15 on page 85) purporting to show that the "mostly rail" option "would route shipments cross-country using Memphis and Kansas City as major gateways, with shipments from the south routed through California en-route to Yucca Mountain." The juxtaposition of the statement about DOE's selection of "mostly rail" and the reference to this map might be read as implying that the map and the conclusions drawn from it were produced by DOE. This is not the case, and the reference on the map itself shows that the map comes from a recent presentation to the Nevada Commission on Nuclear Projects by a consultant of the State of Nevada. We do not know what model or what assumptions were used in generating that map. However, we note that it is not consistent with the representative routes analyzed in the DOE's Final Environmental Impact Statement shown in Figure J-6 on page J-25 of Appendix J (link at http://www.ocrwm.doe.gov/documents/feis_a/vol_2/eis_j_bm.pdf).

In particular, Figure J-6 does not show any route through a "Memphis gateway," the feature of Figure 15 in the draft report (page 85) that supports the statement that shipments from the South would be routed through California. We suggest the report include Figure J-6 from the Yucca Mountain EIS, attached below, to indicate representative routes identified by DOE's analysis. That analysis used the INTERLINE

computer program (now TRAGIS) to select existing rail routes that railroads would be likely to use to ship spent nuclear fuel and high-level radioactive waste from 77 sites to the repository. DOE's routing code has been developed over a period of years, has been extensively peer-reviewed, and is made available to interested parties on request. It is updated periodically to reflect changes in operating conditions and railroad practices. While the final routes actually used for OCRWM shipments may differ from those shown in Figure J-6, we believe that figure provides the best starting point for discussions of routing of rail shipments to Yucca Mountain.

On pages 6 and 107, the report states DOE "has not been responsive" to State concerns about routing and requests for public hearings. Page 98 states that "DOE's communication with impacted states...has been insufficient." We believe these statements give an incomplete picture of the Federal and State roles in the planning process, and unfairly characterizes OCRWM's interactions with the State. Federal regulations give considerable discretion to States in determining highway routes, and describes how the State may go about holding public hearings to designate alternatives (which California has done). This statement also ignores the decades-long relationship OCRWM has painstakingly built with California and other corridor States to plan for shipments. These interactions are complex and involve sometimes differing viewpoints, but all involved parties are deeply committed to ensuring these shipments are executed safely and securely. Occasional disagreements between planning partners is evidence the process is dynamic and working, not "insufficient." This planning process is in place at least ten years before the first shipment and that also reflects the effort being made to address the concerns of corridor states well in advance of finalizing routes or making the first shipments.

Page 83 states DOE has not "determined how it will collaborate with affected states, tribes, local agencies and other parties" to address routing issues. In fact, OCRWM has been and is today working energetically to do just that. The TEC Working Group, for example, has formed a Routing Topic Group for this specific purpose; a wealth of information and detailed descriptions of ongoing and planned activities can be found at <http://www.tecworkinggroup.org/routing.html>).

Page 84, paragraph 1 should state DOE selected the "mostly rail" option in 2004, not 2005.